

PARENT CHECKLIST FOR DUE PROCESS COMPLAINT

Steps	DP Forms	Timelines	Completed
I. Filing a Due Process Complaint			
a. Determine if request should be expedited	Form 3	Prior to filing	
b. If a Parent Requests, send a copy to SDE and LEA	Forms 1 or 3	Immediately	
c. Request LEA to provide any necessary records	Letter	Immediately	
d. Accept LEA response to issues of Complaint Notice and prior written notice			
II. Resolution Session			
a. Respond to the LEA request to set a Resolution Session	Letter	Upon receipt	
b. If parents and LEA waive the resolution meeting both parents must sign waiver	Form 8		
c. No resolution session held when parties agree to mediation	Letter to H.O.	Upon Agreement	
d. If resolution session will be held: 1) Cooperate with LEA to determine when the session will be held 2) Let the LEA know if an attorney will attend with you.	Letter Letter		
III. Mediation			
a. Notify the LEA to request mediation	Letter	Immediately	
b. If the LEA agrees, then set a date mutually convenient to both parties	Letter	Immediately	
c. If mediation is scheduled, then a Resolution Session is not required			
d. If the issue(s) are not resolved through mediation, both parties must sign a Cancellation of Hearing and forward to SDE, or otherwise withdraw the Complaint	Form 11	Upon resolution	

IV. Resolution Agreement			
a. If a resolution is reached on any issue, then the parties must execute a legally binding agreement	Form 12	Upon resolution	
1) Agreement signed by parent and LEA representative with authority to bind the LEA	Form 12	Upon signing	
2) Agreement sets out all terms to which parties agree	Form 12	Upon signing	
b. Any issue not resolved becomes the subject of the due process hearing.	Letter to H.O.	Immediately after resolution session	
V. Preparing for the Hearing			
a. Hearing date and time and name of the Hearing Officer will be provided by the SDE	Letter	10 calendar days prior to hearing	
b. Contact SDE if Officer impartiality is questioned	Letter	Immediately	
c. Provide the Open Hearing Request Form to LEA if the parent waives confidentiality and opens the hearing to the public	Form 7	Prior to hearing	
d. Exchange a Witness Exhibit list with copies of exhibits attached and numbered, with LEA		5 business days prior	
e. Prepare additional copies of the exhibits: one for hearing officer and one for the witness		5 business days prior	
f. Request or submit subpoenas to Hearing Officer for witness or documents. (Subpoenas must be issued in plenty of time to permit serving before the five (5) business day deadline).	Form 9 or 10	No less than 10 calendar days prior	
g. Serve any necessary subpoenas upon witnesses. Witnesses that are employed by the LEA will be provided without a subpoena if they are listed on the submitted witness list		No less than 5 calendar days prior	
h. SDE personnel will appear at no cost to the parents upon issuance of a subpoena with arrangements for scheduling the appearance	Form 10	No Less than 5 calendar days prior	
VI. Hearing			
Upon completion of the hearing, receive the transcript of the hearing			

VII. Decision			
If either party is aggrieved by the decision, an Appeal Review Request must be made to the SDE.	Form 14	Within 30 calendar days of receipt of decision	